



**Ethics Review Board
City of New Orleans**

Board Meeting

**July 30, 2018
3:35 P.M. – 4:30 P.M.**

City Council Chambers | 1300 Perdido Street | New Orleans, Louisiana 70112

Minutes

Board Members Present: Allen Miller, Chair
Brandon Boutin
James Brown
Michael Cowan
Elizabeth Livingston de Calderon
Joe Ricks

Staff Present: Dane S. Ciolino, General Counsel
Jessica Lang, Administrative Assistant

Call to Order: At 3:35 p.m., a quorum being present, the Chair called the meeting to order.

1. Approval of Minutes of June 27, 2018 (Chair).

On a motion by Mr. Brown and seconded by Mr. Boutin, the board unanimously approved the minutes of the June 27, 2018, board meeting.

2. Report of the Inspector General (Chair).

IG Derry Harper appeared on behalf of the Office of Inspector General (OIG).

Mr. Harper reported that he has considered whether the OIG has jurisdiction to investigate the possible under-reporting of revenue by alcohol beverage outlets (ABOs), as suggested by former Councilperson Stacy Head. He determined that his office does have jurisdiction given that it implicates under-collection of sales taxes (rather than property taxes). His office will investigate the matter further in October 2018 after reports are available from the Enterprise Resource Program.

Ms. Calderon asked Mr. Harper to explain the delay. Mr. Harper replied that it will be easier to consider revenue issues with a report from the Enterprise Resource Program.

Mr. Cowan inquired about the status of data access from the city regarding sales tax and ABO reporting. Mr. Harper replied that he does have read-only access, and details are being worked out with the city.

Mr. Cowan inquired about whether the OIG has received more detailed peer-review recommendations from the recent evaluation. Mr. Harper reported that he has received a “management letter.” He promised to share it with the board after he has had an opportunity to consider it and to respond to it. Mr. Cowan emphasized the importance of sharing the management letter with the board and with the public.

Mr. Brown inquired about the issues associated with the S&WB, more particularly whether only one-half of water users are actually paying for water. Mr. Harper reported that he was not aware of the issue, although he understands that the S&WB has collection issues. He plans to meet with the new S&WB director about the issue. He also plans to work with the state Legislative Auditor’s office on its on-going investigations into the S&WB.

Mr. Miller noted that it is important for the OIG to “stay in its lane” and to review its jurisdiction under the city Charter and Code of Ordinances before undertaking new work.

Mr. Miller noted that the ERB would benefit from hearing from Mr. Harper about the current state of his office and its personnel. Mr. Harper promise to report on that at the next ERB meeting. Mr. Harper did note, however, that his office is currently under-staffed (he needs to hire a general counsel and a director of audit among other personnel).

Mr. Cowan noted that the public is very concerned about the S&WB. He asked how much of a priority the S&WB for the OIG. Mr. Harper responded that the S&WB is at

the “top of his list,” but he is mindful to coordinate those investigations with others. At the next ERB meeting, Mr. Harper will discuss the S&WB and other OIG priorities.

Mr. Cowan asked whether it would be feasible to embed an auditor at the S&WB (like at the airport). Mr. Harper reported that he is exploring this option and that he is engaged in discussions with the mayor’s office about the possibility.

3. Report of the Independent Police Monitor (Chair).

IPM Susan Hutson appeared on behalf of the Office of the Independent Police Monitor (OIPM).

Ms. Hutson reported that she had “no data today,” because she was out of the office. She promised to disseminate the data after the meeting. That data will compare 2017-2018 numbers as Mr. Ricks requested.

Ms. Hutson reported that since the last meeting, her annual report has been issued. She is working to have all data underlying that report made available to the public.

Mr. Miller suggested that the ERB needs to conduct a meeting about the IPM’s annual report. Mr. Brown agreed that the board should conduct such a meeting, and that it should also do so to discuss the next OIG annual report.

Mr. Cowan asked Ms. Hutson to provide the ERB with a copy of the survey referenced in the annual report.

Ms. Hutson reported that her “IT people” are continuing to work with the NOPD to obtain the necessary data for analysis and that they are “getting closer” to getting the issues resolved.

Ms. Calderon asked whether an MOU had been entered into between the OIPM and the NOPD regarding remote data access. Ms. Hutson responded that they are still working on data-security issues but that she does have access to the data at the NOPD’s facility.

Mr. Ricks asked whether the OIPM was “getting all the data it needs?” Ms. Hutson responded that her office is getting the data; however, her personnel still must travel to the NOPD to access the data..

Ms. Hutson noted that she hopes to hire a deputy police monitor soon.

Mr. Ricks asked whether Ms. Hutson has considered outsourcing the audit function. Ms. Hutson responded that she is looking for a performance auditor to review NOPD data.

4. Report of the General Counsel (Chair).

General Counsel, Dane S. Ciolino, reported no new complaints.

Ms. Calderon asked about the status of the next annual report for the ERB. Mr. Ciolino responded that he will inform the board as to the due date of the next report.

Ms. Calderon asked about the status of the periodic review of ERB rules. Mr. Ciolino responded that any member should send him any proposed new or amended rules. Mr. Ciolino also reported that he would independently review the rules and place the matter on an agenda for an upcoming fall meeting.

Ms. Calderon asked about the staffing of the Quality Assurance Committee. Mr. Cowan reported that there are two members and that a new member must be appointed.

Mr. Cowan discussed the appointment of the new committee to evaluate the work of the ERB. He noted that COGEL is a possible source for evaluators. Ms. Calderon suggested that we coordinate the selection of evaluators with the city council.

Mr. Brown suggested an agenda item for the next meeting to discuss how to select an evaluator for the ERB.

5. Report of the Ethics Educator (Chair).

Ethics educator Toni Hackett appeared to provide a report on ethics education.

Ms. Hackett reported that she has conducted no new training sessions since the board's last meeting. However, she has scheduled training sessions with various city departments, including the mayor's office and the Law Department.

Ms. Hackett and Mr. Miller reported that letters were sent to approximately 27 city departments requesting the appointment of ethics liaisons.

Mr. Ricks noted that, to date, approximately 21 city departments have designated liaisons.

Mr. Hackett reported that she will meet with more boards and commissions in the months to come.

6. Election of Officers for 2018-2019 (Chair).

Mr. Cowan moved to elect Mr. James Brown as chair of the ERB, Mr. Howard L. Rodgers, III, as vice-chair, and Mr. Brandon Boutin as secretary; Mr. Ricks seconded the motion.

Without further discussion, the board unanimously approved the motion.

Mr. Brown thanked Mr. Miller for his service as chair.

Mr. Miller noted that it was a pleasure to serve the citizens of the City of New Orleans.

7. Adjournment (Chair).

At 4:30 p.m., Mr. Ricks moved to adjourn the meeting; Mr. Brown seconded the motion. The motion carried unanimously and the meeting adjourned.